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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 263/2024**

FURKAN AHMAD

..... Petitioner

Through: Mr. Amit Gupta, Mr. Vivek Kumar,
Mr. Mukesh Sharma, Advocates

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Suresh Kumar, P.S. New
Usman Pur.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

24.01.2024

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1. The instant petition under Section 439 of the Code of the Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of interim bail for a period of one month in case FIR bearing no. 760/2021, registered at Police Station New Usmanpur, Delhi for the offences punishable under Sections 20/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').
2. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of State.
3. Learned counsel for the applicant states that the applicant herein is not arguing the case on merits but is seeking interim bail on the ground of his wife has to undergo surgery on 29.01.2024 and the applicant will be



required to take care of her. It is stated that the wife of the applicant is suffering from Paraumbilical Hernia disease and she had been advised of surgery and the date for surgery given by doctors was 22nd December 2023 which was not met due to the non-availability of a person to take care of her, therefore, doctors had to shift the date of surgery to 29.01.2024.

4. Learned APP for the State, on instructions from the Investigating Officer, submits that the documents related to the surgery of the wife of the applicant has been verified.

5. Before averting to the grounds sought by applicant for seeking interim bail, this Court notes that it has to see the necessity of the present accused/applicant.

6. I have heard arguments addressed by learned counsel for the applicant and learned APP for the State and have perused the material on record.

7. In the present case, the documents related to surgery of the applicant's wife have been verified by the Investigating Officer.

8. In view of the submissions made before this Court, and considering the overall facts the circumstances of the case, this Court notes that the applicant is the only one to take care of his wife and the fact that a date was already fixed by the doctors for applicant's wife's surgery but no one was available to take care of her. In these circumstances, the date of surgery has been re-scheduled to 29.01.2024. Therefore, it a fit case for grant of interim bail for a period of one month to the applicant, on his furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on interim bail for a period of one month beginning from 24.01.2024 till 24.02.2024.

i. The applicant shall remain available on the mobile numbers,



shared by him with the Investigating Officer, which shall be kept operational at all times.

- ii. The applicant shall not indulge in any act which may prejudice either the trial or influence the prosecution witnesses.
 - iii. The applicant shall duly surrender before the concerned Superintendent Jail on the expiry of interim bail.
9. Accordingly, the present application seeking interim bail stands disposed of.
10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 24, 2024/zp

Click here to check corrigendum, if any